

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MEADE COUNTY RURAL ELECTRIC COOPERATIVE )  
CORPORATION AND BRANDENBURG TELEPHONE )  
COMPANY, INC. )

) CASE NO. 89-257  
)

\_\_\_\_\_  
ALLEGED FAILURE TO COMPLY WITH )  
COMMISSION REGULATIONS )

O R D E R

On August 27, 1990, Brandenburg Telephone Company, Inc. ("Brandenburg") filed a motion requesting the Public Service Commission to:

(a) reconsider the issue involved in Brandenburg's Motion to Prohibit Ex Parte Communications; and (b) enter an Order (i) requiring the Commission's Office of General Counsel to identify and describe any ex parte communications, which have occurred or which may occur, between the Commission's Office of General Counsel and the Commission's Hearing Officer, the Honorable Paul Shapiro, regarding the recommendation as to the disposition of this matter; and (ii) allowing Brandenburg the opportunity to file in the record a response to any such ex parte communications.

The Commission on August 21, 1990 denied Brandenburg's original motion to prohibit all such "ex parte" communications. Brandenburg has failed to cite any new or different legal authority in support of its motion to reconsider the Commission's August 21, 1990 Order. Accordingly, the Commission finds no reason to alter its opinion to deny Brandenburg's motion to prohibit such "ex parte" communications.

Additionally, Brandenburg states in its motion that the Commission's Order did not address Brandenburg's alternative motion to require the Commission's Office of General Counsel to identify and describe the content of any ex parte communications which have occurred or which may occur between the Commission's Office of General Counsel and the Commission or the Commission's Hearing Officer. However, the Commission's Order did address this alternative and, in fact, even attached an affidavit disclosing all ex parte communication that has taken place between Commission Attorney Gerald Wuetcher and the Commission Hearing Officer and Commission in this matter. The Commission's Order further stated that there was no authority to prohibit or disclose any communication between any other members of the General Counsel's staff who did not serve as investigator or prosecutor in the case. Attorney Gerald Wuetcher is the only staff member of the General Counsel's staff that served as investigator or prosecutor in this matter.

Even though the Commission's August 21, 1990 Order denied the motion to prohibit such "ex parte" communications, it, in fact, made the requested disclosure solely in an effort to rest any party's allegations of wrongdoing. Brandenburg's request in its Motion to Reconsider to disclose what has already been disclosed is moot. Brandenburg's request to be allowed the opportunity to file in the record a response to the disclosed ex parte communications is denied due to the insignificance of the conversations disclosed.

IT IS THEREFORE ORDERED that Brandenburg's motion to reconsider is hereby denied.

Done at Frankfort, Kentucky, this 17th day of September, 1990.

**PUBLIC SERVICE COMMISSION**

  
Chairman

  
Vice Chairman

  
Commissioner

**ATTEST:**

  
Executive Director